

SEP 15 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROBERT WOOTEN,

Plaintiff - Appellant,

v.

STATE OF CALIFORNIA; et al.,

Defendants - Appellees.

No. 08-16417

D.C. No. 2:08-cv-01311-LKK

MEMORANDUM^{*}

Appeal from the United States District Court
for the Eastern District of California
Lawrence K. Karlton, District Judge, Presiding

Submitted September 8, 2008^{**}

Before: PREGERSON, McKEOWN and N.R. SMITH, Circuit Judges.

Upon review of the record and appellant's response to this court's order to show cause, this court hereby summarily affirms the district court's order denying

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

appellant's motion for preliminary injunctive relief and the district court's order denying appellant's motion for reconsideration. *See United States v. Hooton*, 693 F.2d 857 (9th Cir. 1982) (per curiam) (summary affirmance appropriate where result is clear from face of record); *Harris v. Board of Supervisors, L.A. County*, 366 F.3d 754, 760 (9th Cir. 2004) (denial of preliminary injunction reviewed for abuse of discretion).

AFFIRMED.